

Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

GROUP HOMES

Division 6

Chapter 5



STATE OF CALIFORNIA
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This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting CDSS programs
- c) Statutes from appropriate Codes which govern CDSS programs; and
- d) Court decisions
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other department's regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**84000 GENERAL****84000**

- (a) Group homes, as defined in Section 80001g.(1), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.
- (b) Group homes shall not accept for placement children who are under the age of six years, unless the facility is licensed for that age group and meets the requirements of Subchapter 2, beginning with Section 84200.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

84001 DEFINITIONS**84001**

In addition to Section 80001, the following shall apply:

- (a) (1) "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, pursuant to Education Code Sections 94900 or 94915.
- (2) "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.

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Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges.

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- (3) "Affiliated with licensee" means members of board of directors, executive director, officers and individuals paid by the group home licensee as staff, consultant or contractor used to fulfill the plan of operation.

84001 DEFINITIONS (Continued)**84001**

- (4) "Assaultive Behavior" means violent, physical actions which are likely to cause immediate physical harm or danger to an individual or others.
- (A) Verbal Assault is not considered a form of assaultive behavior.
- (5) "Minor parent program" means a group home program that serves pregnant minors and minor parents with children younger than six years of age, who are dependents of the court, nondependents, voluntary and/or regional center placements, and reside in the group home with the minor parent, who is the primary caregiver of the young child.
- (b) (1) "Behavior Management Consultant", for the purpose of this chapter, means a person who designs and/or implements behavior modification intervention services and meets one of the following requirements as specified in California Code of Regulations, Title 17, Sections 54344(d).

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Section 54344(d) of the California Code of Regulations, Title 17 says in part:

(d)(1)

- (A) Possesses a valid license as a psychologist from the Medical Board of California or Psychology Examining Board;
- (B) Is a licensed clinical social worker pursuant to Business and Professions Code, Sections 4996 through 4998.7;
- (C) Is a licensed marriage family and child counselor pursuant to Business and Professions Code, Sections 4980 through 4984.7; or
- (D) Is any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services.

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- (c) (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in a group home.
- (2) "Child" means a person who is under 18 years of age and who is being provided care and supervision in a group home, except where specified otherwise in this chapter.

84001 **DEFINITIONS** (Continued)**84001**

- (3) "Child with Special Health Care Needs" means a child who meets all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
 - (B) Is one of the following:
 - 1. A child who has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code.
 - 2. A child who has not been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code but who is in the custody of the county welfare department.
 - 3. A child with a developmental disability who is receiving services and case management from a regional center.
- (4) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (5) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to group home administrators and certificate holders to qualify them for renewal of their group home administrator certificate.

84001 DEFINITIONS (Continued)**84001**

- (d) (1) "Discipline" means a penalty assessed by the facility against a child for his/her violation of the group home's rules, commitment of illegal actions or damage to property.
- (e) (1) "Early Intervention" means the use of non-physical, de-escalation interventions to control injurious behavior. Techniques include, but are not limited to, suggesting alternative behavior, crisis communication and evasive techniques.
- (2) "Emergency Intervention" means the justified use of early interventions and/or otherwise prohibited manual restraints to protect the child or others from harm.
- (3) "Emergency Intervention Plan" means a written plan which addresses how emergency intervention techniques will be implemented by the licensee in compliance with the requirements specified in Section 84322.
- (4) "Emergency Intervention Staff Training Plan" means a written plan which specifies the training provided to group home personnel regarding the use of emergency interventions, as specified in Section 84322 (g). The emergency intervention staff training plan is a component of the Emergency Intervention Plan.
- (f) (1) "Facility Manager" as defined in Health and Safety Code Section 1522.4(a)(1).

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- (A) Section 1522.4(a)(1) defines a "facility manager" as "a person on the premises with the authority and responsibility necessary to manage and control the day-to-day operation of a community care facility and supervise the clients." The facility manager, licensee, and administrator, or any combination thereof, may be the same person provided he or she meets all applicable requirements. If the administrator is also the facility manager for the same facility, this person shall be limited to the administration and management of only one facility.

HANDBOOK ENDS HERE

- (g) (1) "Group Home" means a facility which provides 24-hour care and supervision to children, provides services specified in this chapter to a specific client group, and maintains a structured environment, with such services provided at least in part by staff employed by the licensee. The care and supervision provided by a group home shall be nonmedical except as permitted by Welfare and Institutions Code Section 17736(b). Since small family and foster family homes, by definition, care for six or fewer children only, any facility providing 24-hour care for seven or more children must be licensed as a group home.
- (2) "Group Home Program Statement" means a written plan which identifies the client population, program structure and supervision, and provides specific program information. The group home program statement must contain all the elements required in the plan of operation, as specified in Section 84022.

84001 DEFINITIONS (Continued)**84001****HANDBOOK BEGINS HERE**

- (A) Welfare and Institutions Code Section 17736(b) reads in pertinent part:

Counties, regional centers and foster family agencies shall permit...the licensee and other personnel meeting and requirements of paragraphs (3), (5), and (6) of subdivision (c) of Section 17731 to provide, in a group home, specialized in-home health care to a child, as described in his or her individualized health care plan, provided that the child was placed as of November 1, 1993.

HANDBOOK ENDS HERE

- (h) (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (i) (1) "Incident Report" means a written report required by the Department to report incidents as specified in Sections 80061 and 84061.
- (2) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.
- (3) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and any health care professional designated to monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized group home licensee who shall not participate in any team determination required by Sections 84065.1(a)(1)(B) and (b)(2).
- (4) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial forty (40) hour certification training program to persons who do not possess a valid group home administrator certificate.
- (j) (Reserved)
- (k) (Reserved)

84001 DEFINITIONS (Continued)**84001**

(l) (Reserved)

(m) (1) "Manual Restraint" means the use of a hands-on or other physically applied technique to physically limit the freedom of movement of a child. Techniques include, but are not limited to, forced escorts; holding; prone restraints; or other containment techniques, including protective separation.

(2) "Manual Restraint Plan" means a written plan which addresses how manual restraints will or will not be implemented by the licensee in compliance with the requirements specified in Sections 84322(e) and (f). The manual restraint plan is a component of the emergency intervention plan.

(3) "Mechanical Restraint" means any physical device or equipment which restricts the movement of the whole or a portion of a child's body, including, but not limited to, handcuffs, restraining sheets, restraining chairs, leather cuffs and belts or any other similar method.

(4) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:

(A) A dependency upon one or more of the following: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or

(B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when his/her condition could rapidly deteriorate causing permanent injury or death.

(n) (1) "Needs and Services Plan" means a time-limited, goal-oriented written plan, implemented by the licensee, which identifies the specific needs of an individual child, including those items specified in Sections 84068.2 and 84168.3; and delineates those services necessary in order to meet the child's identified needs.

(o) (Reserved)

(p) (1) "Physical Restraining Device" means any physical or mechanical device, material, or equipment attached or adjacent to a child's body which the child cannot remove easily and which restricts the child's freedom of movement. Restraining devices include leg restraints, arm restraints, soft ties or vests, wheel chair safety bars, and full length bedrails.

(2) "Protective Separation" means the voluntary or involuntary removal of a child for the purpose of protecting the child from injuring himself, herself or others.

84001 DEFINITIONS (Continued)**84001**

- (3) "Protective Separation Room" means an unlocked room specifically designated and designed for the involuntary separation of a child from other children for a limited time period for the purpose of protecting the child from injuring or endangering himself, herself or others.

- (q) (1) "Qualified Mental Retardation Professional" means a person described in Title 22, Division 5, Chapter 8, Section 76834.

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Section 76834 defines a "qualified mental retardation professional" as "a person who has specialized training or two (2) years of experience in treating or working with the developmentally disabled and is one of the following:

- (A) A psychologist with a master's degree from an accredited program.
- (B) A physician as defined in Section 76826.
- (C) An educator with a degree in education from an accredited program.
- (D) A Social Worker with a bachelor's degree in:
 - (1) Social work from an accredited program; or
 - (2) A field other than social work and at least three (3) years of social work experience under the supervision of a social worker with a master's degree.
- (E) A physical therapist as defined in Section 76825.
- (F) An occupational therapist as defined in Section 76822.
- (G) A speech pathologist as defined in Section 76840.
- (H) An audiologist as defined in Section 76802.

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84001 DEFINITIONS (Continued)**84001**

HANDBOOK CONTINUES

- (I) A registered nurse as defined in Section 76835.
- (J) A recreation therapist as defined in Section 76834.
- (K) A rehabilitation counselor as defined in Section 76836.

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- (r) (1) "Runaway" means a child who absents himself or herself from the facility without permission from facility personnel.
- (2) "Runaway Plan" means a written plan which addresses how the licensee will respond to runaway situations.
- (s) (1) "Satellite Home" means a facility which is owned by, contracted with, or otherwise controlled by the licensee of another group home. The primary function of the satellite home is to provide residential services to children who are former clients of the primary group home and/or to children who receive direct services from the primary group home. As specified in Section 80008(b), each satellite home is required to independently meet regulations applicable to its licensed category.
- (2) "Social Work Staff" means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.
- (A) Such alternative means shall include services provided by the social work staff of placement agencies only when such services are within the scope of the duties assigned to the worker by his/her agency.

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- (B) Placement agencies include but are not limited to regional centers, county welfare departments, and probation departments.

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- (3) "Specialized Group Home" means a licensed group home which provides specialized in-home health care to children.

84001 DEFINITIONS (Continued)**84001**

- (4) "Specialized In-Home Health Care" means health care identified by the child's physician as appropriately administered in the facility by a health care professional or by a licensee or staff trained by health care professionals pursuant to the child's individualized health care plan. For a child with special health care needs placed in a group home after November 1, 1993, these services must be provided by a health care professional.

(t) (Reserved)

(u) (Reserved)

- (v) (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.

- (2) "Vendor Applicant" means any institution, association, individual(s), or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1522.41(j), 1530, 1530.8, and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1503, 1507, 1522.4, 1522.41, 1522.41(j), 1530.8, and 1531, Health and Safety Code; and Sections 11331.5(d), 11406(c), 17710(a), (d), (g), and (h), 17731 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

84002 DEFINITIONS - FORMS**84002**

The following forms are incorporated by reference:

- (a) LIC 9165 (2/99), Board of Directors Statement.
- (b) PUB 326 (4/99), Facts You Need to Know, Group Home Board of Directors.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(b)(1) and (2), Health and Safety Code.

Article 2. LICENSING**84009 POSTING OF LICENSE****84009**

- (a) The license shall be posted in a prominent, publicly accessible location in the facility.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84010.1 TERM LIMITS FOR SPECIALIZED GROUP HOMES**84010.1**

- (a) Group homes may provide care and supervision to children with special health care needs provided that either:
- (1) The child was placed in the group home before January 1, 1992, and has since resided continuously in the home; or
 - (2) The child was or will be placed in the group home on or after January 1, 1992, and all of the following conditions are met:
 - (A) The child has not spent more than 120 calendar days in any group home or combination of group homes while having special health care needs.
 1. The 120-day limitation may not be extended except with the written approval of the Director or his/her designee.
 - (B) The placement is on an emergency basis for the purpose of arranging a subsequent placement in a less restrictive setting, such as with the child's natural parents or relatives, with a foster parent or foster family agency, or with another appropriate person or facility.
 - (C) The county social worker, regional center caseworker or authorized representative for each child in the home determines that the specialized group home can meet the specific needs of his/her child.
- (b) The licensee of a group home shall not accept a child requiring in-home health care, other than incidental medical services pursuant to Section 1507 of the Health and Safety Code, unless the child is a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17732(a), (d) and (e), and 17736(a), Welfare and Institutions Code and Section 1507, Health and Safety Code.

84010.2 PROHIBITION OF DUAL LICENSURE FOR SPECIALIZED GROUP HOMES**84010.2**

- (a) A group home licensee shall not hold any day care, other residential or health care facility license for the same premises as the group home while the home is providing care and supervision to children with special health care needs.
- (1) Any group home licensee planning to provide care and supervision to a child with special health care needs who holds a license as specified in Section 84010.2(a) shall surrender the license to the licensing agency prior to accepting a child with special health care needs.
- (2) The provisions specified in Sections 84010.2(a) and (a)(1) shall not apply to existing licensed group homes that meet both of the following:
- (A) All children with special health care needs were accepted prior to the effective date of this section; and
- (B) No application for a day care, other residential or health facility license was approved for the premises on or after the effective date of this section.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732(e), Welfare and Institutions Code and Sections 1300, 1531 and 1524(c), Health and Safety Code.

84012 FALSE CLAIMS: INELIGIBILITY**84012**

In addition to Section 80012, the following shall apply:

If a person is determined to have made, disseminated, participated in making, or caused to be made a false or misleading statement pursuant to Section 80012(a), and that statement has resulted in a group home overpayment being assessed pursuant to the Manual of Policies and Procedures Section 11-402.6 et seq., then such person shall not be eligible for a new license under Division 6 or Division 12 and shall not be eligible to serve as an officer or employee of a new or subsequent licensee under Division 6 or Division 12 until the group home overpayment is fully repaid or otherwise discharged.

NOTE: Authority cited: Section 1550, Health and Safety Code. Reference: Section 1550, Health and Safety Code; and Sections 11466.22(a), (b), (e) and (f), Welfare and Institutions Code.

Article 3. APPLICATION PROCEDURES**84018 APPLICATION FOR LICENSE****84018**

- (a) In addition to Section 80018, the following shall apply.
- (b) Each applicant shall submit the following to the licensing agency:
 - (1) A financial plan of operation on forms provided or approved by the department.
 - (A) Start-up funds shall be available and shall include funds for the first three months of operation.
 - (B) Start-up funds shall be independent of prospective client fees. In cases of a change of ownership, expected income from clients currently in placement shall be considered.
 - (C) Start-up funds shall not include funds designated for or used for construction costs.
 - (D) The licensing agency shall have the authority to require written verification of the availability of the funds specified in (A) above.
 - (2) A written plan for training of child care staff, as specified in Section 84065(h), and facility managers, as specified in Section 84065(k).
 - (3) A written plan for activities as specified in Sections 84079(a) through (a)(5).
 - (4) The name and residence and mailing addresses of the facility administrator, a description of the administrator's background and qualifications, and documentation verifying required education and administrator certification.
- (c) Each corporate applicant shall obtain a signed form, LIC 9165 from each member of the board of directors. A copy of each signed LIC 9165 shall be submitted to the Department.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1(b)(1), 1522.41(b), 1531 and 1562, Health and Safety Code.

84022 PLAN OF OPERATION**84022**

- (a) In addition to Section 80022, the following shall apply.
- (b) The plan of operation shall include the following:
 - (1) A statement regarding the types of children to be served by the facility, including dependent, neglected, delinquent, predelinquent, physically handicapped, developmentally disabled, mentally disordered, or emotionally disturbed children.
 - (2) A description of services to be provided by the facility which shall include the following:
 - (A) Procedures for development of a needs and services plan which addresses each child's needs and the services required to meet such needs.
 - (B) Procedures for review and evaluation of the needs and services plan.
 - (C) Policy regarding participation of the child and his/her authorized representative(s) in the development of the needs and services plan.
 - (D) Procedures for implementation and modification of the needs and services plan.
 - (E) Policies and procedures for the child's discharge when he/she reaches age 18; after needs and services plan goals have been reached; when the needs and services plan has proven to be ineffective; or when it has been determined that the child's continued placement in the facility is detrimental to the child or other children in the facility.
 - (3) The administrative policies and procedures to be used to implement the facility's plan of operation.
 - (4) A written Emergency Intervention Plan as specified in Section 84322.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84026	SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES	84026
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- (a) In addition to Section 80026, the following shall apply.
- (b) The licensee shall have written policies and procedures meeting the requirements in (c) below approved in advance by the licensing agency.
- (c) The licensee shall ensure that a child's cash resources are not taken in the form of fines unless the following requirements are met:
 - (1) All fines levied shall be recorded and explained in the child's file, including the amount of the fine and the reason for the fine.
 - (2) Such fines shall be maintained in an account separate from the personal or business accounts of the licensee or facility.
 - (A) Records shall be maintained accounting for any interest earned and expenditures from the account.
 - (3) All fines collected shall be used for the benefit of the individual child or all children in placement.
 - (4) The circumstances under which fines are to be imposed shall be specified in writing.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code.

84030	PROVISIONAL LICENSE (GROUP HOME)	84030
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- (a) The provisions in the General Licensing Requirements, Sections 80030(a) through 80030(f) and 80031, shall not apply to group home licensees and applicants. The provisional license requirements in Sections 84030.1, 84031, 84031.1, and 84031.2 shall apply to all group home licensees and applicants.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1, 1524, 1525.5, and 1531, Health and Safety Code.

84030.1 PROVISIONAL LICENSE**84030.1**

- (a) All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first twelve months. After eight months of operation, the licensing agency shall conduct a comprehensive review of the facility for compliance with all applicable laws and regulations and shall assist the applicant to develop a plan of correction, when necessary.
 - (1) Before the first business day of the thirteenth month of operation, if the Department determines that the group home is in substantial compliance with licensing standards, the Department shall issue a permanent group home license except as provided in Section 84030.1(b).
- (b) If the Department determines that the group home is in substantial compliance with licensing standards, the Department may extend the provisional license for up to an additional six months for either of the following reasons:
 - (1) The group home requires additional time to be in full compliance with licensing standards.
 - (2) After twelve months of operation, the group home is not operating at fifty percent of its licensed capacity.
- (c) By no later than the first business day of the seventeenth month of operation, the Department shall conduct an additional review of a facility for which a provisional license is extended pursuant to Section 84030.1(b), to determine whether a permanent license should be issued.
- (d) Under the following conditions, a group home licensee with a permanent license may apply for a provisional license:
 - (1) A temporary change in facility location of not more than six months due to unforeseen circumstances beyond the control of the license (i.e. flood, earthquake, etc.).
 - (A) The licensing agency shall have the authority to authorize a temporary facility change following a licensing agency review, a finding of substantial compliance with licensing standards, and the securing of an appropriate fire clearance.
- (e) If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to institute administrative action, or civil proceedings, or to refer the case for criminal prosecution. As one of the options under the administrative action process, the Department may deny a group home license application at any time during the term of the provisional license to protect the health and safety of clients. If the Department denies the application, the group home shall cease operation immediately. Continued operation of the facility after the Department denies the application or after the provisional license expires shall constitute unlicensed operation.

84030.1	PROVISIONAL LICENSE (Continued)	84030.1
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- (f) A provisional license shall not be renewable and shall terminate on the date specified on the license or upon denial of the application, whichever is earlier.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1520.1, 1524, 1525.5, and 1531, Health and Safety Code.

84031	ISSUANCE OF A LICENSE (GROUP HOME)	84031
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- (a) All group home license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first twelve (12) months of operation and during that period shall be evaluated for a permanent license.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, and 1531.5, Health and Safety Code.

84031.1	ISSUANCE OF A PROVISIONAL LICENSE (GROUP HOME)	84031.1
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- (a) For the time frames of the initial review of the application for completeness, see Section 80027.
- (b) Within ninety (90) days of the date that a completed application, as defined in Section 80001(c)(10), has been received, the licensing agency shall give written notice to the group home applicant of one of the following:
- (1) A provisional license has been approved for the first twelve months of operation pending a comprehensive review and final evaluation for a permanent group home license.
 - (2) The application has been denied.
 - (A) The notice of denial shall include the information specified in Section 80040(b)(1).

- (c) Repealed by Manual Letter No. CCL-00-01, effective 1/14/00.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, 1526, and 1531.5, Health and Safety Code; and Section 15376, Government Code.

84031.2 ISSUANCE OF A PERMANENT LICENSE (GROUP HOME)**84031.2**

- (a) Before the first business day of the thirteenth month (up to nineteen months, if an extension was granted in accordance with Section 84030.1(b)) after the effective date of the provisional license, as defined in Section 84030.1, the licensing agency shall give written notice to the group home applicant of one of the following:
- (1) A permanent license has been approved.
 - (2) The applicant has been denied.
- (A) The notice of denial shall include the information specified in Section 80040(b)(1).
- (b) Repealed by Manual Letter No. CCL-00-01, effective 1/14/00.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1520, 1520.1, 1520.5, 1525, 1526, and 1531.5, Health and Safety Code.

84040 DENIAL OF INITIAL LICENSE**84040**

- (a) An application for licensure shall be denied when the applicant does not provide an LIC 9165 signed by each member of the board of directors, that includes the statement specified in Health and Safety Code Section 1520.1(b)(1).

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- (A) Health and Safety Code Section 1520.1(b)(1) states in pertinent part:

(b)(1) ...every member of the group home's board of directors shall, prior to becoming a member of the board of directors sign a statement that the board member understands his or her legal duties and obligations as a member of the board of directors and that the group home's operation is governed by laws and regulations that are enforced by the department, as set forth in the booklet. The applicant, provisional licensee, and licensee shall have this statement available for inspection by the department. For members of the board of directors when the booklet is produced, the licensee shall obtain this statement by the next scheduled meeting of the board of directors. Compliance with this paragraph shall be a condition of licensure.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1520.1(b)(1), Health and Safety Code.

84044	INSPECTION AUTHORITY OF THE DEPARTMENT OR LICENSING AGENCY	84044
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Repealed by Manual Letter No. CCL 89-08 (Effective 7/1/89).

84045	EVALUATION VISITS	84045
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- (a) In addition to Section 80045, the following shall apply.
- (b) The licensee shall maintain licensing reports as specified in Health and Safety Code Section 1538.5(a)(2).

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- (1) Health and Safety Code Section 1538.5(a)(2) states:

"(a)(2) A group home facility shall maintain, at the facility, a copy of all licensing reports for the past three years that would be accessible to the public through the department, for inspection by placement officials, current and prospective facility clients, and these clients' family members who visit the facility."

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Section 1538.5, Health and Safety Code.

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Article 4. ADMINISTRATIVE ACTIONS (Reserved)**Article 5. ENFORCEMENT PROVISIONS****84051 SERIOUS DEFICIENCIES****84051**

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- (a) In addition to Section 80051, the following are examples of regulations which, if not complied with, nearly always result in a serious deficiency.
- (1) Section 84010.1 - related to limitations on the capacity of specialized group homes.
 - (2) Section 84010.2 - related to dual licensure of specialized group homes.
 - (3) Section 84064 - related to the qualifications and duties of the administrator.
 - (4) Section 84065(b) - related to personnel requirements.
 - (5) Section 84065.1 - related to specialized in-home health care training and health screenings for staff in specialized group homes.
 - (6) Sections 84065.5 and .7 - related to staff/child ratios.
 - (7) Section 84068.2 - related to the needs and services plan for the child.
 - (8) Section 84075 - related to health-related services.
 - (9) Section 84072.1 - related to the discipline of children.
 - (10) Section 84072.2 - related to complaint procedures.
 - (11) Section 84087.1 - related to safety of accommodations for children with special health care needs.

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- (b) Failure to operate according to the plan of operation, as specified in Section 84222, may result in a citation for a serious deficiency.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

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Article 6. CONTINUING REQUIREMENTS**84061 REPORTING REQUIREMENTS****84061**

- (a) In addition to Section 80061, the following shall apply.
- (b) The licensee shall ensure that the child's authorized representative is notified no later than the next working day if the following circumstances have occurred without the authorized representative's participation:
 - (1) The child has been placed in the facility under emergency circumstances.
 - (2) The child has been removed from the facility.
 - (3) Each time the child has been placed in a manual restraint, to be reported as required in Section 84805.
- (c) The licensee shall ensure that the child's authorized representative is sent prior written notification regarding the need for nonemergency relocation of the child to another facility, including a satellite home.
- (d) The licensee shall ensure that the child's authorized representative is notified if the child is not enrolled in or regularly attending school.
- (e) Effective January 1, 2000, the licensee shall notify the Department, in writing, within ten (10) days of any change in the facility administrator.
- (f) The licensee shall notify the Department, in writing, within ten (10) days, of the hiring of a new administrator. The notification shall include the following:
 - (1) Name and residence and mailing addresses of the new administrator.
 - (2) Date he/she assumed his/her position.
 - (3) Description of his/her background and qualifications, including documentation of required education and administrator certification.
 - (A) A photocopy of the documentation shall be permitted.
- (g) The licensee shall notify the licensing agency in writing within ten working days of acquiring a new member of the board of directors. The notification shall include the following:
 - (1) Name and mailing address of the new member of the board of directors;
 - (2) Date he or she joined the board of directors, and
 - (3) A copy of the LIC 9165 signed by the new member of the board of directors.

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84061 REPORTING REQUIREMENTS (Continued)**84061**

(h) Incident Reports must include the following:

- (1) Date, time, duration and location of the incident.
- (2) A detailed narrative, describing the incident and the events leading up to incident.
- (3) Analysis of the incident:
 - (A) Other reportable incidents involving the same child in the preceding six months.
 - (B) Description of other incidents.
 1. Dates of previous incidents.
 2. Types of incidents.
 3. Action taken by facility personnel in response to incidents.
 - (C) Are there commonalities between this incident and other incidents involving the same child in the preceding six months.
- (4) Description of the facility's plan for the child, in response to the incident, including modifications to the child's needs and services plan. If the child has been involved in previous incidents, explain what the previous modifications were to the child's needs and services plan.
- (5) What action was taken by facility personnel to re-integrate the child into the general population after the incident.
- (6) When the Incident Report is used to report the use of manual restraints, the report must include the following:
 - (A) Date and time of other manual restraints involving the same child in the past 24 hours.
 - (B) A description of the child's behavior that required the use of manual restraints, and description of the precipitating factors which led to the intervention.
 - (C) Description of what manual restraints were used, and how long the child was restrained.
 - (D) Description of what non-physical interventions were utilized prior to the restraint; explanation of why more restrictive interventions were necessary.
 - (E) Description of injuries sustained by the child or facility personnel. What type of medical treatment was sought and where was child taken. Explanation if medical treatment not sought for injuries.

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84061 REPORTING REQUIREMENTS
(Continued)**84061**

- (F) Name(s) of facility personnel who provided the manual restraint.
 - (G) Name(s) of facility personnel who witnessed the child's behavior and the restraint.
 - (H) The child's verbal response and physical appearance, including a description of any injuries at the completion of the restraint.
 - (I) If it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.
 - (J) If law enforcement was involved, a detailed description of the incident.
 - (K) Documentation that the child's authorized representative has been notified of the incident.
- (7) When the Incident Report is used to report a runaway situation, the report must include the following:
- (A) When and how was the child's absence first noted.
 - (B) If known, child's last known activities.
 - (C) What were the circumstances surrounding the child's absence.
 - (D) What action did the facility personnel take to discourage the child from leaving; and what interventions were utilized, if any.
 - (E) What action was taken by facility personnel to locate the child.
 - (F) If a manual restraint was used, and if it is determined by the post incident review, as required in Section 84368.3, that facility personnel did not attempt to prevent the manual restraint, a description of what action should have been taken by facility personnel to prevent the manual restraint incident. What corrective action will be taken or not taken and why.

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84061 REPORTING REQUIREMENTS
(Continued)**84061**

- (G) If law enforcement was involved in the incident, a detailed description of the incident.
- (H) Documentation that the child's authorized representative has been notified of the incident.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1520.1, 1522.41(b)(4), 1531, 1558.1, and 1562, Health and Safety Code; and Section 11406(c), Welfare and Institutions Code.

84063 ACCOUNTABILITY**84063**

- (a) The board of directors shall be active in ensuring accountability: and shall perform, at a minimum, the following duties:
 - (1) Establish and approve policies and procedures governing the operation of the group home;
 - (2) Approve and monitor the corporation's operating budget;
 - (3) Assess and maintain the level of funds necessary to cover the costs of operating the group home;
 - (4) Review and approve the facility's emergency intervention plan as specified in Section 84322(k);
 - (5) Employ an administrator who meets the requirements of Section 84064;
 - (6) Complete a written statement describing the duties delegated to the administrator. Provide a copy of this statement to the administrator and maintain a copy in the facility's file;
 - (7) Require that the Chief Executive Officer, administrator, or a designee be present at all board of directors meetings during which the operation or the policies of the group home(s) are discussed;
 - (8) Conduct board of directors meetings at least on a quarterly basis to review and discuss the group home's operation and documents as specified in Health and Safety Code Section 1520.1(f), and based upon the review, ensure that the group home complies with all applicable regulations;

84063 ACCOUNTABILITY (Continued)

84063

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- (A) Health and Safety Code Section 1520.1(f) states in pertinent part:

...During these quarterly meetings, the board of directors shall review and discuss licensing reports, financial and program audit reports of its facility operations, special incident reports, and any administrative action against the licensee or its employees. The minutes shall reflect the board's discussion of these documents and the group home's operation. The licensee shall make available the minutes of group home board of directors meetings to the department.

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- (9) Ensure that minutes are kept for all board of directors meetings and retained as a permanent record. The minutes shall reflect the board's discussion of the documents specified in Health and Safety Code Section 1520.1(f);
- (10) Ensure that all minutes of board of directors' meetings are available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements:
- (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes, and leave a copy of the list with the administrator or designee.
- (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
- (11) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.
- (b) The licensee shall provide each board of directors member with the "Facts You Need To Know, Group Home Board of Directors" (PUB 326) booklet furnished by the Department.
- (c) The licensee shall require that each board of directors member sign and date the form, (LIC 9165) as specified in Section 84018(c). The signed original form shall be maintained in the corporation's principal California office.
- (1) The signed form shall be obtained from each board of directors member by the next scheduled board of directors meeting after July 1, 1999.
- (2) A signed form shall be obtained from a prospective board of directors member before joining the board of directors.

84063	ACCOUNTABILITY (Continued)	84063
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- (3) A permanent license shall not be issued until all members of the board of directors have signed the form.
- (4) The LIC 9165 specified in (c) above shall be made available for review by the Department upon request.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520.1(f) and 1520.11(c), Health and Safety Code.

84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES**84064**

- (a) In addition to Section 80064, the following shall apply.
- (b) Effective January 1, 2000, all group homes shall have a certified administrator.
 - (1) Between January 1, 2000 and July 1, 2001 only, where good faith efforts to employ a certified administrator are unsuccessful, applicants for a license to operate a group home may be granted a provisional license pursuant to the provisions of regulation Section 84030.1. The Department may deny the license if the licensee fails to employ a certified administrator pursuant to the terms and conditions of the provisional license.
 - (2) In the event a certified administrator is not employed within ten (10) days of the departure of the former administrator, a written "Plan of Correction" shall be developed to bring the group home into compliance with the requirements of this section.
 - (3) In those cases where the individual is both the licensee and the administrator of a group home, the individual shall comply with all of the licensee and certified administrator requirements.
 - (4) The Department may revoke the license of a group home for failure to comply with all requirements regarding certified administrators.
 - (5) Unless otherwise provided, a certified administrator may administer more than one licensed group home.
- (c) The administrator shall be on the premises for the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation.
- (d) When the administrator is absent, one of the following requirements shall be met:
 - (1) In facilities with a licensed capacity of 12 or fewer children, there shall be coverage by a designated staff person.
 - (2) In facilities with a licensed capacity of 13 or more children, there shall be coverage by a designated substitute who has the following qualifications:
 - (A) Graduation from high school or equivalent.
 - (B) One year of administrative or supervisory experience over social work, child care and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (e) The administrator shall meet the requirements specified below:
 - (1) The administrator of a facility with a licensed capacity of 12 or fewer children shall meet one of the following requirements:

84064

ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)

84064

- (A) Have a master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
 - (B) Have a bachelor's degree from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
 - (C) Have completed at least two years at an accredited college or university, plus at least two years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
 - (D) Have completed high school, or equivalent, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
- (2) The administrator of a facility with a licensed capacity of 13 or more children shall meet one of the following requirements:
- (A) Have a master's degree in a behavioral science from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
 - (B) Have a master's degree in a behavioral science from an accredited college or university, plus two years of employment as a social worker, as defined in Section 80001s.(4), in an agency serving children or in a group residential program for children.
 - (C) Have a bachelor's degree from an accredited college or university, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.
 - (D) Have completed at least two years at an accredited college or university, plus at least five years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more.

84064 ADMINISTRATOR QUALIFICATIONS AND DUTIES (Continued)**84064**

- (f) The administrator shall perform the following duties:
- (1) Direction and evaluation of a group home facility within the limits of the functions and policies established by the licensee.
 - (2) Preparation of the facility's budget and management of expenditures according to the facility's budget limitations.
 - (3) Organization of the work of the facility and delegation of responsibility to staff members.
 - (4) Assessment of the facility operations and program; and reporting to the licensee and making recommendations to address identified problems.
 - (5) Recruitment, appointment, evaluation and termination of staff.
 - (6) Development of a plan for the orientation, development and training of staff, as specified in Section 84065(g).
 - (7) Review of complaints made by children or their authorized representative(s) as specified in Section 84072.2(a), and deciding upon the action to be taken to handle the complaint.

NOTE: Authority cited: Sections 1530 and 1522.41(j), Health and Safety Code. Reference: Sections 1501, 1522.41(b), 1531 and 1562, Health and Safety Code.

**84064.1 ADDITIONAL ADMINISTRATOR QUALIFICATIONS AND DUTIES
IN SPECIALIZED GROUP HOMES****84064.1**

- (a) The administrator shall ensure the provision of services to children with special health care needs with appropriate regard for the child's physical and mental well-being and needs, including those services identified in the child's individualized health care plan.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 1501, 1531 and 1562, Health and Safety Code.

84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**84064.2**

- (a) An individual employed on or after January 1, 2000, shall be a certificate holder prior to being employed as an administrator.
- (1) An individual employed as an administrator on December 31, 1999 shall be permitted to take the standardized written test administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction. If a passing score is not achieved after two (2) attempts, the administrator must complete a forty (40) hour Initial Certification Training Program and pass the test no later than December 31, 2000.

84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS**84064.2**

- (2) An individual who, though not an administrator, is employed by a group home on December 31, 1999 shall be permitted to take the standardized written test administered by the Department in lieu of completing the forty (40) hours of Initial Certification Training Program classroom instruction provided that he/she meets the following conditions:
 - (A) The individual must have been employed as a group home administrator for at least four (4) of the last eight (8) years, and
 - (B) While employed as an administrator, the individual must have had a record of administering the facility for which he/she was responsible in a substantial compliance as defined in Section 80001(s)(6).
- (b) To receive his/her certificate an applicant shall:
 - (1) Successfully complete a Department approved Initial Certification Training Program, except as specified in Section 84064.2(a)(1) above.
 - (2) Pass a written test administered by the Department within sixty (60) days of completion of an Initial Certification Training Program.
 - (3) Submit an application form to the Department's certification section within thirty (30) days of being notified of having passed the test. The application shall contain the following:
 - (A) Proof that the applicant has successfully completed a Department approved Initial Certification Training Program or proof of employment as an administrator on December 31, 1999.
 - (B) A statement certifying that the applicant is at least twenty-one (21) years of age.
 - (C) Fingerprint cards, or evidence that the applicant has submitted fingerprints to the Department of Justice at a livescan facility, or a statement that the applicant has a current criminal record clearance on file with the Department.
 - (D) A one hundred dollar (\$100) processing fee.
- (c) The Department shall not issue a certificate until it receives notification from the Department of Justice that the applicant has a criminal record clearance pursuant to Health and Safety Code Section 1522 or is able to transfer a current criminal record clearance pursuant to Health and Safety Code Section 1522(b)(1).
- (d) It shall be unlawful for any person not certified under this section to misrepresent himself or herself as a certified administrator. Any person willfully making any false representation as being a certified group home administrator is guilty of a misdemeanor.
- (e) Certificates issued under this section shall be renewed every two (2) years provided the certificate holder has complied with all renewal requirements.

84064.2 ADMINISTRATOR CERTIFICATION REQUIREMENTS (Continued)**84064.2**

- (f) Certificates shall be valid for a period of two (2) years and expire on either the anniversary date of initial issuance or on the individual's birthday during the second calendar year following certification.
- (1) The certificate holder shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification.
- (g) Time deadlines specified in Sections 84064.2 (b)(2) and (3) above may be extended for good cause as determined by the Department. Any request for extension of time shall be in writing and shall contain a statement of all facts the applicant believes constitute good cause to extend time.

NOTE: Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code. Reference: Sections 1522.41(b) through (f), Health and Safety Code.

84064.3 ADMINISTRATOR RECERTIFICATION REQUIREMENTS**84064.3**

- (a) Administrators shall complete at least forty (40) classroom hours of continuing education during the two-year certification period. Continuing education hours must relate to the Core of Knowledge and be completed through any combination of the following:
- (1) Courses provided by vendors approved by the Department, or
- (2) Accredited educational institutions offering courses that are consistent with the requirements of this section, or

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- (A) Examples of accredited educational institutions are Community and State colleges.

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- (3) Courses offered by vendors approved by other California State agencies provided that:
- (A) The approval and enforcement procedures of the State agency are comparable to the approval and enforcement procedures of the Department, and
- (B) The course relates to the Core of Knowledge as specified in Section 84090(h)(1)(A) through (I).